

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ASHLEY YOUNG,)	
)	
Plaintiff,)	CASE NO. 1:23-cv-1339
)	
v.)	
)	
LUCKY 12, LLC, HALEY YOUNT, and)	
JOHN E. JANUSIEWICZ,)	
)	
Defendants.)	

DEFENDANTS' NOTICE OF REMOVAL

Defendants, by counsel, Terrance Kinnard, for their Notice of Removal, state the following:

1. On July 6, 2023, the Plaintiff filed her Class & Collective Action Complaint for Damages and Injunctive Relief, and Request for Jury Trial in the Marion Superior Court No. 13, under Cause Number 49D13-2307-CT-026703, seeking to recover damages alleged suffered as a result of the Defendants' alleged violations of the Fair Labor Standards Act (29 U.S.C. § 201, *et seq.*) ("FLSA"), which allegedly took place between August 2016 through September 2022.

2. On or about July 10, 2023, Defendants received by United States mail a file-marked copy of Plaintiff's Complaint and Summons.

3. The Plaintiff's Complaint clearly alleges a federal question inasmuch as the allegations are premised, *inter alia*, upon an alleged violation of the FLSA.

4. Defendants have not yet filed a responsive pleading.

5. 28 U.S.C. § 1441 authorizes removal of this matter to federal court in that the civil action brought in state court is of the nature of an action of which the district courts of the United States have original jurisdiction.

6. Furthermore, this action does not arise under the worker's compensation laws of any state; is not brought against a common carrier or railroad or the receivers or trustees; does not arise under 45 U.S.C. §§ 51-60; and therefore, this cause is removable to this Court pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441 (a).

7. Copies of all process, pleadings and orders served upon these Defendants and filed in the state court action are attached hereto including the Plaintiff's counsel's Appearance, the Plaintiff's Class and Collective Action Complaint for Damages and Injunctive Relief, and Request for Jury Trial, Summons for Lucky 12 LLC, Summons for Haley Yount, Summons for Anthony Janusiewicz¹, Appearance of Attorney Benjamin Ellis, Amended Class and Collective Action Complaint for Damages and Injunctive Relief, and Request for Jury Trial, Summons for John Janusiewicz, Notice of Dismissal for John Janusiewicz, Appearance of Attorney Terrance Kinnard.

8. Written notice of the removal of the above-captioned cases was given on July 28, 2023 to the adverse party.

9. Contemporaneously with the filing of the present Notice of Removal, written notice is being provided to the Clerk of the Marion County Courts that the Defendants' original Notice of Removal is being filed with this Court.

WHEREFORE, Defendants file their Notice of Removal in support of the removal of this matter to this Court for all further proceedings.

¹ Plaintiff incorrectly named Anthony Janusiewicz, who is not involved in any of the allegations asserted, before later dismissing him from the action and adding John Janusiewicz.

Respectfully submitted,

By /s/ Terrance Kinnard.

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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2023, a true and correct copy of this document was filed electronically. Notice of this filing will be hand-delivered on the same date (with courtesy email) to:

Benjamin C. Ellis
HKM Employment Attorneys LLP
320 N. Meridian Street, Ste. 615
Indianapolis, IN 46204
Email: bellis@hkm.com

/s/ Terrance Kinnard.

Terrance Kinnard, #22224-49
Counsel for Defendants